

North Andover Conservation Commission Meeting Minutes
March 25, 2015

Members Present: Louis A. Napoli, Chairman, John T. Mabon, Deborah A. Feltovic, Albert P. Manzi, Jr., Joseph W. Lynch, Jr.

Members Absent: Douglas W. Saal, Vice Chairman, Sean F. McDonough.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:11PM Quorum Present.

Approval of Minutes 2/11/15 & 2/25/15

- A motion to accept the meeting minutes of 2/11/15 & 2/25/15 as drafted and reviewed is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Public Hearings: 7:14PM

Notice of Intent (NOI)

**242-1634, 50 Royal Crest Drive (Pond Redesign) (AIMCO North Andover, LLC)
(Cornerstone Land Consultants, Inc.) (cont. from 2/25/15) (Request to cont. to 4/8/15)**

- The Administrator states the applicant is requesting a continuance to the April 8, 2015 meeting.
- A motion to grant the request for a continuance to the April 8, 2015 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Document:

- *E/Mail from Kenneth Lania prepare by Cornerstone Land Consulting, Inc. requesting a continuance to the April 8, 2015 meeting dated March 25, 2015*

**242-1635, 50 Royal Crest Drive (off site Inlet) (AIMCO North Andover, LLC)
(Cornerstone Land Consultants, Inc.) (cont. from 2/25/15) (Request to cont. to 4/8/15)**

- The Administrator states the applicant is requesting a continuance to the April 8, 2015 meeting.
- A motion to grant the request for a continuance to the April 8, 2015 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Document:

- *E/Mail from Kenneth Lanai prepared by Cornerstone Land Consultants, Inc. requesting a continuance to the April 8, 2015 meeting dated March 25, 2015*

242-1649 , Berry Pond Beach (Department of Conservation and Recreation) (Horsley Witten Group, Inc.)

- A motion to deem the legal notice read is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- Amanda Crouch-Smith of Horsley Witten Group, Inc. presents the proposal to remove compacted, weedy soils from the beach area. Area is approximately 25' x 100' and will be excavated 12" deep which is about 2,500 c.f of sand. This material will be taken off-site and replaced with screened washed sand. Resource areas that will be altered include inland bank and the associated buffer zone. These are temporary impacts and will be restored in kind. Straw wattles will be used for erosion control and there will only be one access point for equipment.
- Mr. Manzi asks about the limit of work and if the large rocks are staying in place.
- Mr. Napoli asks if they have properly estimated the material to be removed.
- The Administrator asks if all machinery will stay above the wall.
- Ms. Smith states no machinery will be on the beach.
- Ms. Feltovic asks how far down the beach the work will occur?
- Ms. Smith states staging will be out of 100' buffer and all work will be above mean high water.
- Ms. Feltovic asks about disposal of the old sand and source of new sand.
- Ms. Smith states it will be brought to a suitable location. Bentley Warren will supply the new sand. Sumco is the contractor.
- Mr. Lynch states the work would need to have a silt fence trenched so there are no soils moving in the wet.
- Ms. Smith states no work will occur in the water and there will be no work on the wall or stairs.
- A motion to grant the requested waivers is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent (NOI)*
- *Letter prepared by Horsley Witten Group, Inc. dated March 12, 2015*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State & Local Check*
- *North Andover Conservation Commission Waiver Request form prepared by Horsley Witten Group, Inc. dated March 12, 2015*
- *North Andover MIMAP prepared by Horsley Witten, Inc. dated March 2, 2015*
- *Certified Abutters List prepared by Horsley Witten, Inc. dated March 2, 2015*
- *Notification to Abutters Form prepared by Horsley Witten Group, Inc.*
- *Certified Mail Receipt prepared by Horsley Witten Group, Inc. dated March 5, 2015*

- *Notice of Intent Project Narrative prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *Summary prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *Site Description prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *1.1 Flood zone prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *Photo 1 Berry Pond swimming beach and bath house. Photo credit Google Maps imagery prepared by Horsley Witten Group, Inc. March 2015*
- *1.2 Rare Species prepared by Horsley Witten Group, Inc. dated March 2015*
- *2.0 Wetland Resource Areas prepared by Horsley Witten Inc. dated March 2015*
- *2.1 Inland Bank. Photos 2 and 3. The existing Inland Bank and swimming beach area at the project site on Berry Pond. The approximate upper limit of Inland Bank is shown Photo3 yellow line as extrapolated from vegetation growing along the side of the beach area. Photo 2, Bing Maps Birdseye; Photo 3: Google Maps imagery prepared by Horsley Witten Group, Inc. dated March 2015.*
- *2.2 Land Under Water Bodies and Waterways prepared by Horsley Witten Group, Inc. dated March 2015*
- *3.0 Proposed Project prepared by Horsley Witten Group, Inc. dated March 2015*
- *Photo 4. The existing public swimming beach at Berry Pond is in disrepair. Sands have become compacted and weedy, nuisance vegetation has over several of inactivity. Exiting sand and weedy plant material is proposed to be removed and will be replaced with clean, weed free sand to create a safe, enjoyable swimming area for park visitors. Photo credit Goggle Maps imagery prepared by Horsley Witten Group, Inc. prepared by Horsley Witten Group, Inc. dated March 2015*
- *4.0 Performance Standards & Resource Area Protection prepared by Horsley Witten Group, Inc. dated March 2015*
- *4.1 Project Alternative prepared by Horsley Witten Group, Inc. dated March 2015*
- *4.2 Buffer Zone prepared by Horsley Witten Group, Inc. dated March 2015*
- *4.3 Inland Bank prepared by Horsley Witten Group, Inc. dated March 2015*
- *4.4 Limit of Work and Sedimentation and Erosion Control prepared by Horsley Witten Group Inc. dated March 2015*
- *Site Locus Map prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *Aerial Photo prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *Existing Constraints prepared by Horsley Witten Group, Inc. dated March 2, 2015*
- *Aerial Photo of FEMA's National Flood Hazard Layer prepared by Horsley Witten Group, Inc. dated July 3, 2012*
- *FIRM Flood Insurance Rate Map prepared by Horsley Witten Group, Inc. dated July 3, 2012*
- *Site Plan Beach Restoration prepared by Horsley Witten Group, Inc. dated March 12, 2015*

**242-1644, 687 Forest Street (Marnoto) (Williams & Sparages) (cont. from 2/11/15)
(Request to cont. to 4/8/15)**

- Administrator states the applicant is requesting a continuance to the April 8, 2015 meeting.
- A motion to grant the request for a continuance to the April 8, 2015 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Document:

- *E/Mail from Gregory Hochmuth prepared by Williams & Sparages requesting a continuance to the April 8, 2015 meeting dated March 23, 2015*

242-1643, 674 Forest Street (Yamin) (Sullivan Engineering Group, LLC) (cont. from 2/11/15) (Request to cont. to 4/8/15)

- Administrator states the applicant is requesting a continuance to the April 8, 2015 meeting.
- A motion to grant the request for a continuance to the April 8, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi,
- Vote unanimous.

Document:

- *E/Mail from John Sullivan prepared by Sullivan Engineering Group, LLC requesting a continuance to the April 8, 2015 meeting dated March 23, 2015*

242-1648, Rosemont Drive & Chestnut Street (North Andover Division of Public Works) (Weston & Sampson Engineers, Inc.) (cont. from 3/11/15)

- Administrator states at the last meeting the project did not have a DEP File number.
- Commission reviews the elimination of the pump station and the reason for the project. All work is in the roadway.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

242-1647, 172 Summer Street (D'Angelo) (Christiansen & Sergi, Inc.) (cont. from 3/11/15)

- Administrator states the applicant is requesting a continuance to the April 8, 2015 meeting.
- A motion to grant the request for a continuance to the April 8, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail from James D'Angelo of 172 Summer Street requesting a continuance to the April 8, 2015 meeting dated March 23, 2015*

General Business: 7:30 PM

242-257, PCOC Request, 44 Laconia Circle (Lot 1A) (Otto) (Copani, Tarlow & Cranney Attorney at Law) (cont. from 1/28/15) (Request to cont. to 5/13/15)

- Administrator states the applicant is requesting a continuance to the May 13, 2015 meeting. As-built plans are being prepared.
- A motion to grant the request for a continuance to the May 13, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail from David M. Feeney prepared by Copani, Tarlow & Cranney Attorneys at Law requesting a continuance to the May 13, 2015 meeting dated March 23, 2015*

242-333, PCOC Request, 44 Laconia Circle (Lot 1A) (Otto) (Copani, Tarlow & Cranney Attorneys at Law) (cont. from 1/28/15) (Request to cont. to 5/13/15)

- Administrator states the applicant requesting a continuance to the May 13, 2015. As-built plans are being prepared.
- A motion to grant the request for a continuance to the May 13, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail from David M. Feeney prepared by Copani, Tarlow & Cranney Attorneys at Law requesting a continuance to the May 13, 2015 meeting dated March 23, 2015*

242-1589, COC Request, 1077 Osgood Street (Angus Realty Corporation) (Lynnfield Engineering, Inc.)(cont. 1/28/15) (Request to cont. to 4/22/15)

- Administrator states the applicant is requesting a continuance to the April 22, 2015 meeting.
- A motion to grant the request for a continuance to the April 22, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail Richard Barthelmes prepared by Lynnfield Engineering, Inc. requesting a continuance to the April 22, 2015 meeting dated March 16, 2015.*

Bylaw Regulations Revisions (cont. from 3/11/15)

- Administrator states the revised filing requirements will be for 2 full size copies of plan and Notice of Intent, RDA and ANRAD and one electronic copy. Revision also includes changes to the fee sheet including a new delineation fee when the delineation exceeds 100 l.f. The Administrator also requests that the commission consider removing the emergency certification fee since it is not often used. Fees for Emergency Certifications can be recouped if an after the fact filing is required. Lastly the Administrator recommends approving new checklists which include the revised filing requirements.
- The changes to the filing requirements and delineation fee are approved unanimously.
- A motion to remove the emergency certificate from fee schedule is made. Vote is 3 to 2 (Mr. Napoli and Mr. Manzi opposed).
- A motion is made to amend the fee sheet to raise the charge for additional site visits from \$50 to \$100.
- Vote unanimous.
- A motion to grant the request for a continuance to April 8, 2015 meeting for stormwater regulations changes is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist for Abbreviated Notice of Resource Area Delineation (ANRAD)*
- *Application Checklist for Notice of Intent (NOI)*
- *Application Checklist Request for Determination of Applicability (RDA)*

Decisions

242-1646, 1 High Street

- The administrator reviews the draft Order of Conditions.
- The Commission amends the Order of Conditions.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

242-1648, Rosemont Drive and Chestnut Street

- The administrator reviews the draft Order of Conditions.
- The Commission amends the Order of Conditions.
- A motion to accept the Order of Conditions as amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***A motion to adjourn the meeting at: 8:00 PM is made by Mr. Manzi, seconded by Mr. Lynch.
Vote unanimous.***

